

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 09-0510

STATE OF MONTANA, *ex rel.* DEPARTMENT
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

O R D E R

BNSF RAILWAY COMPANY,

Defendant, Appellee and Cross-
Appellant.

M. R. App. P. 12(1)(h) requires the judgment and order be contained in Appellant's brief to this Court or an appendix thereto.

The Court has determined that the Appellant's brief filed March 15, 2010, does not comply with this rule.

IT IS ORDERED that, within ten days of the date of this order, Appellant is directed to forward to the Clerk of this Court ten (10) copies of the judgment and order for inclusion in the Appellant's brief. Appellant shall also serve a copy of the same on all counsel of record for Appellee and shall forward to the Clerk of this Court a certificate of such service. The time for filing Appellee's brief shall not begin to run until service has been made upon Appellee's counsel.

The Clerk is directed to mail a copy of this Order to Appellant personally and to counsel of record for Appellee.

DATED this 15th day of March, 2010.

For the Court,

By *W. William Reychert*
Justice